

FILED

JUL 29 2010

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BHAGUBHAI HIRA, and
PRADIP HIRA,

Plaintiff,

v.

NEW YORK LIFE INSURANCE COMPANY,

Defendant.

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Civil Action No.

3:10-CV-461

Varlan/Shurley

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, *et seq.*, defendant, New York Life Insurance Company (“New York Life”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On October 15, 2010, plaintiff, Bhagubhai Hira and Pradip Hira (“Plaintiffs”) commenced a civil action in the Chancery Court of Blount County, Tennessee (“the State Court”), bearing the style, *Bhagubhai Hira and Pradip Hira v. New York Life Insurance Company*, Docket No. 2010-150 (“the Civil Action”). The Civil Action is still pending in the State Court.
2. New York Life was served with a copy of the Summons and Complaint in the Civil Action on October 15, 2010, copies of which are attached as **Exhibit A**, and which constitute all process, pleadings, and orders served on New York Life in the Civil Action to date.

3. New York Life has, to date, made no appearance in the Civil Action in State Court.

4. The Civil Action is one of which this Court has diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) New York Life, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a citizen of the State of New York in that it is a mutual life insurance company organized in the State of New York with its principal place of business in New York.
- (b) Plaintiff, both at the time of filing of the Civil Action and as of the date of filing this Notice, were and are citizens of the State of Tennessee.
- (c) Diversity of citizenship exists between all parties properly joined in that they are citizens of different states and the amount in controversy, according to the allegations of the Complaint, exceeds \$75,000, exclusive of interest and costs.
- (d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. New York Life has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. New York Life will give written notice to plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Chancery Court of Blount County, Tennessee. New York Life attaches a copy of the Notice of Filing of Notice of Removal as **Exhibit B**.

7. The judicial district and division of this Court embraces Blount County, the place where the Civil Action is pending.

WHEREFORE, defendant, New York Life, prays that the Civil Action now pending against it in the Chancery Court of Blount County, Tennessee, be removed therefrom to this Court.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

By: 

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Attorneys for New York Life Insurance Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **Notice of Removal** has been served upon the following parties in interest herein by delivering same to the offices of said parties in interest, or by mailing same to the offices of said parties in interest by United States Mail with sufficient postage thereon to carry the same to its destination.

Dan D. Rhea
Arnett, Draper & Hagood
P.O. Box 300
Knoxville, Tennessee 37901-0300

This 25th day of October, 2010.


S. Russell Headrick